

**STATE OF SOUTH CAROLINA**

Application of

Consumer Telcom, Inc.

for a Certificate of Public Convenience and Necessity  
to Provide Resold and Facilities-Based Local  
Exchange and Interexchange Telecommunications  
Services throughout the State of South Carolina and  
for Alternative Regulation

**BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA****COVER SHEET****DOCKET  
NUMBER:**

(Please type or print)

**Submitted by:** Bonnie D. Shealy**SC Bar Number:** 11125**Address:** Robinson, McFadden & Moore, P.C.  
PO Box 944  
Columbia, SC 29202**Telephone:** (803) 779-8900**Fax:** (803) 252-0724**Other:** \_\_\_\_\_**Email:** bshealy@robinsonlaw.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

**DOCKETING INFORMATION** (Check all that apply)☐ **Emergency Relief demanded in petition**      ☐ **Request for item to be placed on Commission's Agenda expeditiously**☒ **Other:** \_\_\_\_\_

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)		
<input type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Letter	<input type="checkbox"/> Request
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certification
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input checked="" type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition
<input checked="" type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other:
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest	
<input type="checkbox"/> Other:	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit	
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report	

Application of \_\_\_\_\_ )  
 \_\_\_\_\_ )  
**Consumer Telecom, Inc.** ) Docket No. \_\_\_\_\_  
 \_\_\_\_\_ )  
 for a Certificate of Public Convenience and )  
 Necessity to Provide Resold Interexchange )  
 Telecommunications Services Throughout )  
 the State of South Carolina and for )  
 Alternative Regulation )  
 \_\_\_\_\_ )

## Introduction

In support of this Motion, the Applicant provides the following:

*This document is an exact duplicate, with the exception of the form of the signature, of the e-filed copy submitted to the Commission in accordance with its electronic filing instructions.*

1. The exact legal name, address and telephone number of the Applicant is:

Consumer Telcom, Inc.  
701 N. Green Valley Parkway, Suite 200  
Henderson, NV 89014  
(800) 872-3811 (Tel)  
(800) 872-1562 (Fax)

2. Correspondence or communications regarding this Motion should be addressed to:

Bonnie D. Shealy, Esquire  
Robinson, McFadden & Moore, P.C.  
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P.O. Box 944  
Columbia, SC, 29202  
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with a copy to:

Andrew O. Isar  
Miller Isar, Inc.  
7901 Skansie Avenue, Suite 240  
Gig Harbor, Washington 98335  
Tel: 253-851-6700  
Fax: 253-851-6474

## **I. Description of Confidential Information.**

3. The Application requires Consumer Telcom to disclose evidence of financial fitness through the submission of documentation of its financial resources and ability to provide the requested service. In conformity with this requirement, the Applicant submits copies of its financial statements. These documents contain highly confidential and strictly proprietary information, the public disclosure of which may result in direct, immediate and substantial harm to the competitive position of the Applicant in South Carolina and elsewhere.

## **II. Grounds for Claim of Confidentiality.**

4. Consumer is presently immune from a legal obligation to prepare or submit projected financial statements, or any other financial information, to any public entity. As such,

the financial statements attached as *Exhibit D* to the Application are not readily available to persons external to Consumer.

5. Because the projected financial statements submitted by Consumer Telcom in support of the Application contain confidential and commercially-sensitive information from which its competitors may derive economic value, Consumer Telcom seeks to protect such material from public disclosure. Consumer Telcom derives independent economic value from the fact that significant, detailed and proprietary information regarding its financial structure and current financing activities is unknown to its competitors. As such, the Company's financial statements are a "trade secret" as that term is used in South Carolina Trade Secrets Act. S.C. Code Section 39-8-20(5). Given this fact, the disclosure of this information could provide existing and potential competitors, including interexchange carriers ("IXCs") in South Carolina, as well as in other states in which Consumer Telcom provides or intends to provide telecommunications service, with an unfair and undeserved competitive advantage.

6. Consumer Telcom clarifies herein that its request for protection applies only to the documents attached as *Exhibit D* to the Application. Consumer Telcom is not seeking protection of any type for those reports Consumer Telcom is required to file with the Office of Regulatory Staff ("ORS") should the relief sought in the Application be granted: the Annual Report Form, Gross Receipts Report, and Universal Service Fund Worksheet.

### **CONCLUSION**

7. The audited financial information included in support of Consumer Telcom's Application, for which Confidential Treatment is sought, is both proprietary and competitively-sensitive. The substantial and direct harm that could be caused to Consumer Telcom as a result of any disclosure is real and not speculative. Moreover, to date, no other jurisdiction or governmental agency has required Consumer Telcom to make this information available to the

public. For all these reasons, the projected financial statements attached as *Exhibit D* to the Application should be protected from public disclosure by the Commission.

WHEREFORE, Consumer Telcom respectfully request that the South Carolina Public Service Commission grant this Motion for Protective Treatment with respect to the audited financial statements attached as *Exhibit D* to the Application for Authority for Consumer Telcom, Inc. to Provide Resold Interexchange Telecommunications Services throughout the State of South Carolina and for Alternative Regulation and filed *under seal* as Confidential in this proceeding.

Dated this 25th day of February, 2008.

Respectfully submitted,

ROBINSON, MCFADDEN & MOORE, P.C.

By   
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Attorneys for Consumer Telcom, Inc.

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Alternative Regulation	)
_____	)

**APPLICATION OF CONSUMER TELCOM, INC.**

**EXHIBIT D**

**Financial Statements**

**CONFIDENTIAL & PROPRIETARY  
FILED UNDER SEAL**